

1 IN THE UNITED STATES BANKRUPTCY COURT  
2 IN AND FOR THE DISTRICT OF DELAWARE  
3

4 IN RE: : Chapter 11  
5 W.R. GRACE & CO., et al. : No. 01-1139 (JJF)  
6 Debtors. : Jointly Administered  
7

8 Wilmington, Delaware  
9 Monday, November 5, 2001 at 2:00 o'clock, p.m.  
10

11 BEFORE: HONORABLE JOSEPH J. FARNAN, JR., U.S.D.C.J.  
12

13 APPEARANCES:  
14

15 PACHULSKI STANG ZIEHL YOUNG & JONES  
16 BY: DAVID W. CARICKHOFF, JR., ESQ.

17 and

18 KIRKLAND & ELLIS  
19 BY: DAVID BERNICK, ESQ., and  
20 JAMES W. KAPP, III, ESQ.

21 Counsel for Debtors  
22

23 STROOCK & STROOCK & LEVAN, LLP  
24 BY: ROBERT RASKIN, ESQ., and  
25 KENNETH PASQUALE, ESQ.

Counsel for Official Committee  
of Unsecured Creditors

Brian P. Gaffigan  
Official Court Reporter

ORIGINAL



1 APPEARANCES (Continued):

2

3

UNITED STATES TRUSTEE'S OFFICE  
BY: JOSEPH J. McMAHON, JR., ESQ.

4

Counsel for Acting United  
States Trustee, Donald Walton

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FERRY & JOSEPH, P.A.  
BY: THEODORE J. TACCONELLI, ESQ.

7

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and

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BILZIN SUMBERG  
BY: SCOTT BAENA, ESQ.

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Counsel for Official Committee of  
Asbestos Property Damage Claimants

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SKADDEN ARPS SLATE MEAGHER & FLOM, LLP  
BY: MARK FINK, ESQ.

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and

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SKADDEN ARPS SLATE MEAGHER & FLOM, LLP  
BY: BERT WOLFF, ESQ., and  
HENRY WASSERSTEIN, ESQ.  
(New York, New York)

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Counsel for Sealed Air Corporation

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McDERMOTT WILL & EMERY  
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Counsel for National Medical Care, Inc.

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ELZUFON AUSTIN REARDON TAYLOV & MONDELL, P.A.  
BY: WILLIAM F. TAYLOR, JR., ESQ.

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Counsel for L.A. School District

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1 APPEARANCES (Continued):

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3 WALSH MONZACK & MONACO  
4 BY: KEVIN J. MANGAN, ESQ.

5 and

6 LOWENSTEIN & SANTLER  
7 BY: JOHN SHERWOOD, ESQ.

8 Counsel for Honeywell Industries

9 MORRIS JAMES HITCHENS & WILLIAMS  
10 BY: BRETT D. FALLON, ESQ.

11 and

12 HALE & DORR  
13 BY: GEORGE SHUSTER, ESQ.

14 Counsel for MGI

15 KLETT ROONEY LIEBER & SCHORLING  
16 BY: TERESA K.D. CURRIER, ESQ.

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18 KRAMER LEVIN NAFTALIS & FRANKEL, LLP  
19 BY: GARY BECKER, ESQ.

20 Counsel for the Equity Committee

21 STEVENS & LEE  
22 BY: JOEL GREY, ESQ.

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24 KIRKPATRICK & LOCKHART, LLP  
25 BY: ROBERT N. MICHAELSON, ESQ.  
(New York, New York)

Counsel for American  
Real Estate Holdings

1 APPEARANCES: (Continued)

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3 CAMPBELL & LEVINE  
4 BY: MATTHEW ZALESKI, ESQ.

5

and

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7 CAPLIN & DRYSDALE  
8 BY: PETER VAN N. LOCKWOOD, ESQ.

9

10 Counsel for the Asbestos  
11 Personal Injury Committee

12

13 ALICE SMOLKER, PRO SE  
14 (Los Angeles, California)

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16 Appearing telephonically  
17 on her own behalf

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P R O C E E D I N G S

22

(Proceedings commenced at 2:00 o'clock, p.m.)

23

THE COURT: Be seated, please. Good afternoon.

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THE ATTORNEYS: Good afternoon.

25

THE COURT: All right. We're ready to proceed.

26

MR. BERNICK: Yes. David Bernick for the  
27 debtors, your Honor. If you have the agenda?

28

THE COURT: I do.

29

MR. BERNICK: Items 1 through 4 have been  
30 continued. With regard to the uncontested matters, there  
31 have not been any objections, and we would ask that the  
32 Court sign the orders that are associated with those

33

34

35

1 different items. I can tender them up to the Court, if  
2 that is satisfactory.

3 THE COURT: That will be fine. Pass them to  
4 the clerk, and we'll get them signed for you.

5 (Documents passed forward.)

6 MR. BERNICK: That brings us to item 7 and  
7 item 8, kind of takes us back to the beginning of the days.  
8 Your Honor will recall we came in to describe the history  
9 of how the debtor came to file for Chapter 11, the surgeon  
10 claims that had taken place and we then identified the  
11 central issues we felt had to be resolved in order for this  
12 case to progress. I believe your Honor recognized it in  
13 connection with an early hearing that litigation was going  
14 to be integral to this case and that the sooner there can be  
15 a proposal before the Court on exactly how that litigation  
16 would proceed, we could then end up with kind of a blueprint  
17 for how to go forward.

18 There was the comment your Honor made at the end  
19 of the hearing in May. We took that suggestion by the Court  
20 to heart and we put together very promptly a proposal for  
21 each of the different tracks of litigation that we think  
22 are central to this case, and we conveyed those proposals  
23 to the other side and we've also had meetings along those  
24 lines. I think we actually noticed up the first hearing on  
25 that for July.

1           There was then a request by the property damage  
2 committee as well as the bodily injury committee to have the  
3 matter put over to the early part of August, which was done,  
4 but then the property damage committee asked for still more  
5 time. Your Honor, I don't know if your Honor will recall our  
6 opposition to that and our desire to move forward with this  
7 case and get the litigation process underway. Your Honor  
8 ultimately accommodated the request of the property damage  
9 committee and the result was that this really critical  
10 feature of the case was put over to a hearing that was to be  
11 scheduled in October.

12           Obviously, that hearing didn't take place so  
13 we're now kind of, to be blunt about it, your Honor, we're  
14 kind of dead-in-the-water on moving forward on the litigation  
15 side of the case so this Item No. 8 is of critical importance  
16 to the debtor. We think that the briefs that have been  
17 submitted in opposition to it lay out a series of issues.  
18 We're prepared to and will be addressing those issues in  
19 what we think will be a very comprehensive reply brief. And  
20 I think that with those papers, your Honor, will have a very  
21 comprehensive view of what the debtor believes is the proper  
22 procedure envisioned for how to proceed with this case, and  
23 we can take up that matter and then really end up moving  
24 forward in a productive way in this case.

25           So we would ask that No. 8 be scheduled for a

1 hearing as soon as possible so that we can get on with the  
2 business of litigating those issues and maybe at the end of  
3 the day also reaching a plan of reorganization, but we would  
4 ask for a very prompt hearing on that matter. I think your  
5 Honor asked last time how much time would be required for  
6 that. I think what we proposed was two hours. I know that  
7 we would be calling one witness on the notice issues, perhaps  
8 the objectors would be calling their own witnesses, but I  
9 think we can dispose of it in two hours, recognizing the  
10 briefing has been very extensive.

11 THE COURT: All right. Does anyone else wish to  
12 be heard on this schedule of Item No. 8?

13 MR. BAENA: May it please the Court, Scott  
14 Baena on behalf of the official asbestos property damage  
15 committee. Your Honor, good afternoon.

16 THE COURT: Good afternoon.

17 MR. BAENA: Judge, the comments by counsel  
18 accurately summarize the history of this. I do want to  
19 underscore though that we have indeed now briefed the issues  
20 that were framed by their original motions, and I would also  
21 add that while counsel characterizes this as the litigation  
22 side of the case, the case management proposals by the debtor  
23 implicate fundamental bankruptcy issues as well, including  
24 the establishment of the bar date and notification program  
25 and issues concerning the estimation of claims.



1           At this point in time, your Honor, we are indeed  
2 ready to proceed. I'm not sure though that I share counsel's  
3 optimism about being able to complete that exercise in a two  
4 hour period of time. Frankly, I think it will be more like a  
5 half day, if not more.

6           THE COURT: All right. Does anyone else wish to  
7 be heard?

8           MR. LOCKWOOD: One very minor point, your Honor,  
9 Mr. Bernick, in his presentation, mentioned that the debtors  
10 had some intention of filing a reply brief. The opposition  
11 to this brief were filed on September the 10th. It's now  
12 November the 5th. The debtors have had two months to file  
13 a reply brief. If they're going to take such a leisurely  
14 approach to this, my only concern is I would like to have  
15 there be a sufficient lag between the time that we have the  
16 hearing and the time we get their reply brief so we could at  
17 least be prepared to orally respond to it at the hearing. So  
18 if your Honor, as part of the scheduling, could set a date  
19 for the filing of that reply brief that would create that  
20 window for us, I think that would be appropriate and fair.  
21 Thank you.

22           THE COURT: All right. We have available the  
23 afternoon of November 21st, commencing at 12:00 noon, and we  
24 also have available December the -- I wrote down the wrong  
25 date, actually. November 21st or December the 19th. You

1 can confer with each other and pick whatever date you want,  
2 whichever of the two days you would rather have.

3 MR. BERNICK: We'd very, very much like to have  
4 the November 21st date just because that would be another,  
5 basically a month slippage if we went to December. And in  
6 fairness to Mr. Lockwood's point, we would be filing the  
7 reply brief probably before the end of this week in any  
8 event so there would be more than adequate time for him to  
9 prepare his response to that. So we would ask the Court to  
10 set November 21.

11 THE COURT: All right. Do you agree on November  
12 21st?

13 MR. BAENA: We would be prepared, your Honor. If  
14 I may inquire?

15 THE COURT: And you will have your half day then.

16 MR. BAENA: Yes, sir.

17 THE COURT: You could have your half day that  
18 day.

19 MR. BAENA: Yes, sir. If I could just inquire  
20 of the Court, there is, the case management proposal as  
21 it was framed by the debtor included a separate track for  
22 transfer claims which you heard about several times in the  
23 course of this case. The property damage and bodily injuries  
24 committees have jointly made two motions in respect of the  
25 fraudulent transfer claims and my question is whether that

1 would also be heard on the 21st.

2 THE COURT: No. The fraudulent transfer claims,  
3 I'm taking a different view of those, and I'd like to get  
4 in place the initial bar date and some of these other  
5 matters, but we would hear it before the end of the year.

6 MR. BAENA: As to who will prosecute them?

7 THE COURT: That's correct.

8 MR. BAENA: That's the motion that is pending?

9 THE COURT: Yes.

10 MR. BAENA: So we'll come back?

11 THE COURT: And we're on the agenda for that.  
12 Today, I was going to discuss it.

13 MR. BAENA: I didn't mean to preempt you.

14 THE COURT: No, I understand your question, but  
15 we wouldn't be able to get it done on the 21st. I think  
16 there is some sequencing, at least in my mind, but we will  
17 definitely get them done before the end of the year.

18 MR. BAENA: Maybe we can use the December 19th  
19 date for that.

20 THE COURT: If you want to.

21 MR. BAENA: Okay. November 21st at noon.

22 MR. BERNICK: Terrific.

23 THE COURT: For Item 8.

24 MR. BERNICK: Item No. 9 is the items that  
25 counsel just referred to. It's the joint motion for

1 authority to prosecute. I think that the Item No. 10 is  
2 again part and parcel of the same issue as the motion to  
3 employ counsel, in connection with the same matter.

4 THE COURT: All right. We can put that on  
5 for the 19th as counsel suggests. And I'll set some time  
6 allocations. But if you can agree on the 19th of December,  
7 we can.

8 MR. BERNICK: No problem.

9 THE COURT: December 19th for Items 9 and 10.

10 MR. BAENA: Your Honor, can we have a time on  
11 that one?

12 THE COURT: We're going to start that at -- well,  
13 we can do it at 9:00 or 11:00 o'clock in the morning to start  
14 it.

15 (UNIDENTIFIED SPEAKER): 11:00.

16 THE COURT: 11:00. Did somebody say 11:00?

17 (UNIDENTIFIED SPEAKER): 11:00 would be  
18 appreciated, your Honor.

19 THE COURT: 11:00 o'clock.

20 MR. BAENA: Is that an hour, judge?

21 THE COURT: No, I'm going to set a time  
22 allocation for that. It's not an omnibus hearing. The  
23 omnibus is limited to one hour but I'll give you a time  
24 allocation for the 19th, as I will for the 21st, in the order  
25 I'll release setting those dates, but I'm mindful that it may

1 be a little more than the debtors two hours and a little less  
2 than your half day.

3 MR. BAENA: Thank you.

4 MR. BERNICK: I believe that brings us to Item 11.  
5 Item 11 was filed roughly I think as the original request  
6 for authorization to proceed with the fraudulent conveyance  
7 claim. The matters have been briefed and we're prepared to  
8 take that up at an appropriate point in time. From our point  
9 in view, there is no particular urgency to it. It basically  
10 deals with the preservation of evidence. That is something  
11 we've already assured counsel is already in place as to  
12 whether there is a depository created or not. Our own view  
13 is that it ought to be tied to whatever the litigation  
14 procedures are that the Court ends up approving so it is  
15 not a priority item from the debtors' point of view. We are  
16 nonetheless prepared to proceed with that argument at the  
17 Court's convenience.

18 THE COURT: Does anybody wish to be heard?

19 All right. We'll get you a date on that which I  
20 will issue in an order after this hearing.

21 MR. BERNICK: Fine. The last item, actually  
22 No. 12 under this category, is the motion for relief from  
23 automatic stay. Again, to refresh the Court's recollection,  
24 this is really part of a broader area that has been the  
25 subject of motion practice. We originally filed a motion

1 for preliminary injunction. The preliminary injunction was  
2 issued. There was a request to modify the preliminary  
3 injunction. That was argued before the Court on the 21st of  
4 June, and because of issues that came up with that, we filed  
5 some supplementary materials on the 27th of June. But that  
6 broader motion for modification of the preliminary injunction  
7 has been fully briefed, argued and has been submitted to the  
8 Court. I don't believe, I know your Honor has not yet had an  
9 opportunity to turn to that and rule.

10 This particular item is one part of that broader  
11 area. And again, we're prepared to take it up at the Court's  
12 convenience, although frankly we believe that the matters and  
13 issues relating to the Smolkers already have been thoroughly  
14 briefed and heard already. And I think one of the Smolkers  
15 may be on the telephone to address that with the Court. It  
16 is a matter of some urgency to get a decision on the motion  
17 to modify with respect to the Smolkers in particular. That  
18 also is something that we'd like to have resolved at soon as  
19 we possibly can.

20 THE COURT: Does anyone wish to be heard?

21 MS. SMOLKER: Yes, your Honor. This is Alice  
22 Smolker in Los Angeles. Can you hear me?

23 THE COURT: Yes.

24 MS. SMOLKER: Hello?

25 THE COURT: Yes.

1 MS. SMOLKER: Hello? Your Honor, can you hear  
2 me?

3 All right. I think the phone is going in and out  
4 so please let me know if you need me to repeat something.

5 My understanding is that the motion to modify the  
6 preliminary injunction should not apply to the remainder of  
7 the TIG vs. Smolker action that is now ready for trial in Los  
8 Angeles because the Bankruptcy Court has already ruled that  
9 the Bankruptcy Court has no jurisdiction over the action that  
10 applies to parties other than Grace. So I believe what is  
11 before the Court today is this motion for relief from stay as  
12 it applies to the Grace entities. I understand the agenda  
13 referred to scheduling this matter, but my understanding was  
14 that the hearing was to be today rather than a scheduling  
15 hearing. Am I correct in that? May I go forward and argue  
16 the motion?

17 THE COURT: Well, you don't need to argue the  
18 motion because I have it under submission, unless you wanted  
19 to present evidence. Then we have to schedule a hearing.  
20 That is the issue today.

21 MS. SMOLKER: Whether you need to schedule a  
22 hearing for evidence?

23 THE COURT: That's correct.

24 MS. SMOLKER: I think our moving papers set forth  
25 everything that we need to do. It includes a declaration

1 which would be our evidence.

2 THE COURT: All right. So then there is no need  
3 for this contested matter to have any further hearing and  
4 we'll issue a decision.

5 MS. SMOLKER: All right. Thank you, your Honor.

6 THE COURT: All right. Thank you.

7 Do you want to move to the next item?

8 MR. BERNICK: I think the next two items are  
9 contested matters, Nos. 13 and 14. I think Mr. Carickhoff  
10 will be arguing those to the Court.

11 THE COURT: All right. Thank you. Give me one  
12 second, please.

13 All right. I'm sorry. Go ahead.

14 MR. CARICKHOFF: Good afternoon, your Honor.  
15 David Carickhoff of Pachulski Stang Ziehl Young & Jones on  
16 behalf of the debtors.

17 THE COURT: Good afternoon.

18 MR. CARICKHOFF: Items 13 and 14 relate to lift  
19 stay motions. Item No. 13 was filed by the debtors and 14  
20 was filed by Honeywell international. Essentially, the  
21 debtors and Honeywell are seeking to lift the automatic stay  
22 as it relates to certain environmental remediation litigation  
23 in New Jersey District Courts. Honeywell has filed a response  
24 to the debtors' motion essentially seeking -- there are  
25 two separate actions. One is called, we refer to in the



1 papers as the "ICO matter" and the other we refer to as the  
2 "river-keeper matter." They have substantially similar  
3 claims in both cases and each of the two matters have been  
4 consolidated in the New Jersey Court. So essentially  
5 Honeywell has argued that if the debtor seeks to lift the  
6 stay in the ICO matter, it should be lifted as to the  
7 river-keeper matter.

8 The parties have reached a stipulation that we  
9 would like to submit to the Court that essentially lifts the  
10 automatic stay to allow the ICO matter to go forward in its  
11 entirety and to allow the river-keeper matter to go forward,  
12 to the extent that the claims in the river-keeper matter are  
13 the same as those claims that are set forth in amended  
14 complaint that was filed in that action. And if I could  
15 submit that stipulation to the Court?

16 THE COURT: Yes, will you pass that up.

17 (Documents passed forward.)

18 MR. CARICKHOFF: I don't know if your Honor has  
19 any other questions.

20 THE COURT: Not at this time.

21 MR. CARICKHOFF: Thank you.

22 THE COURT: Thank you.

23 All right. Is there anything further?

24 MR. BERNICK: No, your Honor.

25 THE COURT: All right. Before we recess, I

1 wanted to put on the record that in the past 30 to 40 days or  
2 so, several judges as well as numerous litigants have called  
3 chambers to either request what is going on in the matter or  
4 to provide their view of what ought to go on in the matter  
5 and to I guess get some understanding of how this case will  
6 proceed beyond the issues that were on the agenda for today.  
7 I haven't spoken to any of them and won't.

8 I have spoken to Judge Weiner in the Eastern  
9 District of Pennsylvania, given his role as the judge assign-  
10 ed all the asbestos cases in the federal courts. I have  
11 spoken to him on two occasions to have some understanding  
12 of the underlying litigation that brings this debtor not  
13 specifically but in a general way into Chapter 11. I don't  
14 think that there is anything about the phone calls that is  
15 improper but if it's helpful to know that I won't get on  
16 the phone with judges from the state courts or from other  
17 jurisdictions, maybe that can go back out there. I do  
18 intend to talk with Judge Weiner at least on one additional  
19 occasion, probably sometime toward the end of the year, the  
20 beginning of the year of 2002.

21 And the second point I wanted to put on the  
22 record is there is some question whether the case would  
23 stay in the District Court or since the District Court had  
24 returned the automatic stay, put the automatic stay back  
25 in place, whether this case would be returned back to the

1 Bankruptcy Court. It's been decided this case and the  
2 Armstrong case will remain in the District Court and, for  
3 the time being, with me.

4 Okay. Is there anything else?

5 MR. BERNICK: No, your Honor.

6 THE COURT: Mr. Grey?

7 MR. GREY: Your Honor, Joseph Grey from Stevens &  
8 Lee. Your Honor, I represent American Real Estate Holdings  
9 Partnership. We filed an adversary complaint in an emergency  
10 last week. I understood from chambers that the Court had  
11 agreed to hear it at this time.

12 THE COURT: I had told them that I would agree  
13 to schedule it at this time, but I'm not prepared to hear it,  
14 although I've seen the motion to shorten notice and review  
15 the papers that were in. We can get you on in short order  
16 but we weren't able to do it today because we have this  
17 hearing and Armstrong. Do you want to discuss when you would  
18 be available to do it? I'm prepared to do it in short order  
19 but not at today's hearing.

20 MR. GREY: What I would like to do is turn the  
21 podium over to my co-counsel, Robert Michaelson. He is  
22 with the firm, Kirkpatrick & Lockhart. This has been done  
23 quickly. I haven't had a chance to file his pro hac papers.

24 THE COURT: I'll grant the application.

25 Mr. Michaelson.

1 MR. MICHAELSON: Thank you, your Honor. We're  
2 prepared on short notice to appear for this before this Court  
3 and to argue the issues that were raised in our motion. And  
4 I have no particular days that are a problem for me during  
5 the month of November except for November 30th. And if we  
6 could do it during the month of November, that would I think  
7 be of benefit to everyone in this case. There is a motion  
8 on January 5th which relates to the property which is the  
9 subject of the relief we're discussing here, and it would be  
10 in everybody's interest to have this matter heard and decided  
11 prior to that date.

12 THE COURT: All right. Yes.

13 MR. KAPP: Your Honor, James Kapp on behalf of  
14 the debtors. We would point out counsel does speak correctly  
15 the motion is set for January 3rd. Their expedited motion,  
16 basically this underlies their motion. That motion is only  
17 set for scheduling on an omnibus hearing. Again, the debtor  
18 is basically between two warring parties, the landlord and  
19 the sublessee. This gives the parties time to negotiate and  
20 take things forward. I'm not sure an expedited schedule is  
21 needed. I have a feeling that time might be helpful for the  
22 parties to talk so I'm not sure this needs to be heard on an  
23 expedited basis.

24 MR. MICHAELSON: Your Honor, the only reason for  
25 hearing it on an expedited basis is this goes to the root of

1 what we're here to discuss. And I realize you have limited  
2 time today so I won't take too long.

3 An order was entered on June 22nd, dated June  
4 22nd of which my client did not have notice, of which were  
5 mentioned in the order a very important paragraph. It affects  
6 our substantive rights. We want to make sure, given the fact  
7 our due process rights were violated, that nothing happens  
8 with respect to that provision of the order pending your  
9 determination as to whether that was properly entered and  
10 whether the question should be revisited.

11 MR. KAPP: Your Honor, under the terms of your  
12 prior order, now that we have filed our motion seeking to  
13 have the lease assumed and assigned, nothing will happen  
14 until that motion is heard. So counsel's concerns are  
15 protected until that motion is heard before this Court.

16 MR. FALLON: Your Honor, Brett Fallon. Since  
17 we're talking about the landlords interest as well, I thought  
18 we would jump in. I'm going hand the podium over to George  
19 Shuster of Hale & Dorr, and we have moved his admission pro  
20 hac or are about to.

21 THE COURT: All right. Thank you, Mr. Fallon.

22 Mr. Shuster.

23 MR. SHUSTER: Good morning, judge.

24 THE COURT: Good morning.

25 MR. SHUSTER: MGI, who is the sublessee in this

1 matter, shares the position of the debtor that the issue on  
2 whether or not the motion to assume and assign will be  
3 granted or denied is the same issue as whether or not the  
4 June 22nd order should be vacated in whole or in part or  
5 other relief is available to American Real Estate Holdings,  
6 so we would be satisfied with putting both matters off until  
7 January 3rd.

8 THE COURT: As I understand it, with the debtors'  
9 representation there will be no action under the June 22nd  
10 order, you're willing to forego an expedited schedule with  
11 that assurance until we hear the motion?

12 MR. SHUSTER: That is correct, your Honor. The  
13 only caveat to that is we believe the relief we're discussing  
14 here necessarily needs to be addressed prior to the motion to  
15 assume and assign. Even if it's by a moment, it still needs  
16 to be addressed first.

17 THE COURT: Okay. Then we'll put this on for  
18 January 3rd at 9:30, which is the same time as the principal  
19 motion is to be heard. And I'm not going to guarantee what  
20 the order will be, but at a minimum they will be heard  
21 simultaneously. And if there is an order to the decision  
22 that is required, we'll implement that.

23 MR. SHUSTER: Thank you, your Honor. Your Honor,  
24 American Real Estate Holdings also filed an adversary  
25 complaint in the matter, and I ask that you provide that the

1 adversary proceeding be stayed until such time as the January  
2 3rd proceeding can go forward.

3 THE COURT: The debtor has no objection so we'll  
4 do that.

5 MR. SHUSTER: Thank you.

6 THE COURT: If you to submit an order that  
7 accomplishes that, I'll be happy to sign that.

8 MR. SHUSTER: I'll do that. Thank you, your  
9 Honor.

10 THE COURT: All right. Is there anything else?  
11 This Court stands in recess.

12 (Hearing ends at 2:27 p.m.)  
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15  
16  
17

18 I hereby certify that the foregoing is a true  
19 and accurate transcript from my stenographic  
20 notes in the proceeding.

21 Bruce J. Halligan  
22 Official Court Reporter  
23 U. S. District Court  
24  
25